

Rosemary T. McGuire, Esq. Bar No. 172549

THE LAW FIRM OF
WEAKLEY, RATLIFF,
ARENDT & MCGUIRE, LLP
1630 East Shaw Avenue, Suite 176
Fresno, California 93710

Telephone: (559) 221-5256
Facsimile: (559) 221-5262

Attorneys for Defendants, ERNEST J. LICALSI, COUNTY OF MADERA

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

HONORIO QUIROZ,)	CASE NO. CIV-F-03-5181 AWI SMS
)	
Plaintiff)	
)	
vs.)	STIPULATED DISMISSAL AND ORDER
)	
ERNEST J. LICALSI, and COUNTY OF)	
MADERA, A Municipal Corporation and)	
Public Entity,)	
)	
Defendants.)	
)	
_____)	

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff HONORIO QUIROZ and defendants COUNTY OF FRESNO and ERNEST J. LICALSI, by and through their attorneys of record, stipulate to dismissal of the entire action, with prejudice.

DATED: December 26, 2005

LAW OFFICES OF STEVEN A. GERINGER

By: /s/ Steven A. Geringer
Steven A. Geringer
Attorney for Plaintiff

DATED: December 23, 2005

WEAKLEY, RATLIFF, ARENDT & MCGUIRE, LLP

By: /s/ Rosemary T. McGuire
Rosemary T. McGuire,
Attorneys for Defendants COUNTY OF
MADERA and ERNEST J. LICALSI

ORDER

The parties seek dismissal of this action pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Rule 41(a)(1), in relevant part, reads:

an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

Rule 41(a)(1)(ii) thus allows the parties to dismiss an action voluntarily, after service of an answer, by filing a written stipulation to dismiss signed by all of the parties who have appeared, although an oral stipulation in open court will also suffice. Carter v. Beverly Hills Sav. & Loan Asso., 884 F.2d 1186, 1191 (9th Cir. 1989); Eitel v. McCool, 782 F.2d 1470, 1472-73 (9th Cir. 1986). Once the stipulation between the parties who have appeared is properly filed or made in open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro. 41(a)(1)(ii); Eitel, 782 F.2d at 1473 n.4. Because Plaintiff has filed a stipulation for dismissal with prejudice as to all parties under Rule 41(a)(1)(ii) that is signed by all parties who have made an appearance, this case has terminated. See Fed. R. Civ. Pro. 41(a)(1)(ii); In re Wolf, 842 F.2d at 466; Gardiner, 747 F.2d at 1189; see also Gambale, 377 F.3d at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf. Wilson, 111 F.3d at 692.

Therefore, IT IS HEREBY ORDERED that this action is DISMISSED and the Clerk of the Court is DIRECTED to close this case in light of the parties' filed and signed Rule 41(a)(1)(ii) Stipulation For Dismissal.

IT IS SO ORDERED.

Dated: January 4, 2006
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/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE